

a body, the body having a superior end portion and a bifurcated inferior end portion defining a first leg and a second leg, wherein the body is configured so that at least the first leg extends into one of the second and third sections of vasculature; and an extender in the form of a graft, the extender configured to mate with the first leg.

74. (Amended) The device of claim 67, wherein the first leg is configured to terminate in the second section of the patient's vasculature.

REMARKS

Claims 67 and 74 have been amended. Claim 67-81 remain pending.

In the Office action dated February 27, 2002, it was indicated that the French patent document (FR 2 748 197-A1) was not considered because a concise explanation of the relevance was not presented. Included with this paper is a copy of a letter dated February 27, 2002 which has an attachment thereto which provides an English language abstract for the French patent document. Accordingly, it is respectfully requested that an indication be made that the French patent has been considered in connection with the present application.

In the outstanding Office action, claim 74 was rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter and also was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In response thereto, claim 74 has been

amended to recite a device wherein a first leg is configured to terminate in a second section of a patient's vasculature. By so amending claim 74, it is believed that the requirements of §§ 101 and 112 have been satisfied.

Applicant has submitted concurrently herewith a Terminal Disclaimer which operates to disclaim the terminal part of the statutory term which would extend beyond the expiration date of the full statutory term of U.S. Patent Nos. 5,676,696 and 5,993,481 as well as U.S. Application Serial No. 09/642,626. It is believed that submitting such a Terminal Disclaimer operates to traverse the rejection of the pending claims under the judicially created doctrine of obviousness-type double patenting set forth in the February 27, 2002 Office action.

Furthermore, in the outstanding Office action, claims 67-81 were rejected under 35 U.S.C. § 102(e) as being anticipated by Martin (U.S. 5,575,817). Additionally, claims 67, 68, 70 and 72-81 were rejected under § 102(e) as being clearly anticipated by Quiachon et al. (U.S. 5,628,783) and claims 67-76 and 79-81 were rejected under § 102(e) as being clearly anticipated by Chuter (U.S. 5,562,726). Independent claim 67 has been amended to recite a device including an extender in the form of a graft. It is respectfully submitted that neither the Quiachon et al. nor the Chuter references teach such a device. As to the Martin reference, it is respectfully submitted that Martin does not teach a device including a body which is configured so that at least a first leg extends into one of a first and second section of vasculature and further including an extender configured to mate with the first leg. Clearly, the Martin reference does not contemplate such a device and therefore does not anticipate claims 67-81. That is, in order to anticipate claims 67-81, the Martin reference must teach each recited limitation, not merely be capable of doing so

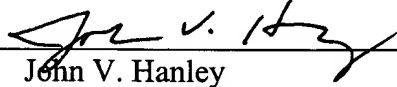
through the rearrangement or reconfiguration of disclosed components. It is respectfully submitted that such rearrangement or reconfiguration is a result of employing improper hindsight. Therefore, it is believed that claims 67-81 define patentable subject matter.

CONCLUSION

Applicants have attempted to respond to each rejection set forth in the outstanding Office action. In view of the above amendments and remarks, it is respectfully requested that the claims be allowed and this application be passed to issue. Attached hereto is a marked-up version of the changes made. The attached page is captioned "**Version With Markings To Show Changes Made**".

Respectfully submitted,

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Version With Markings to Show Changes Made

IN THE CLAIMS

67. (Amended) A device for repairing a patient's vasculature including a first section and second and third sections bifurcating therefrom, comprising:

a body, the body having a superior end portion and a bifurcated inferior end portion defining a first leg and a second leg, wherein the body is configured so that at least the

5 first leg extends into one of the second and third sections of vasculature; and

an extender in the form of a graft, the extender configured to mate with the first leg.

74. (Amended) The device of claim 67, wherein the first leg [terminates in the first] is configured to terminate in the second section of the patient's vasculature.